

Patent

Attorney Docket No.: 13303/4

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

SERIAL NO. : 10/688,371

APPLICANTS : Philipp LANG et al.

FILED : October 16, 2003

FOR : METHODS AND DEVICES FOR ANALYSIS
OF X-RAY IMAGES

GROUP ART UNIT : 2882

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EXAMINER : David V. BRUCE

M/S: AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office via facsimile number: (571-273-8300 or deposited with the United States Postal Service as first class mail in an envelope addressed to: M/S: AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

Dated: October 13, 2005

Signature

Barbara Vance

Barbara Vance

TERMINAL DISCLAIMER UNDER 37 C.F.R. §1.321

Dear Sir:

The petitioner, Imaging Therapeutics, Inc., is the owner of the entire interest in the above-identified application.

Petitioner hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the above-identified application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§154 to 156 and 173 of copending application number **6,690,761**, as presently shortened by any terminal disclaimer.

Petitioner hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the above-identified application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, petitioner does not disclaim the terminal part of any patent granted on the above-identified application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. §1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.


The undersigned is an agent or attorney of record.

The Commissioner is hereby authorized to charge to Deposit Account No. **11-0600** (order number: 13303/4) the amount of **\$65.00** (small entity fee) under 37 C.F.R. §1.20(d), to cover the Terminal Disclaimer fee. If any additional fees are required to facilitate the filing of this paper, please charge such fees or credit any overpayments under 37 CFR §1.17(p) to Kenyon & Kenyon, Deposit Account No. **11-0600**.

Respectfully submitted,

KENYON & KENYON

Dated: October 13, 2005

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